

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
Eastern Division**

MICHELLE PANTEL on behalf of herself)
and all other persons similarly situated,)
known or unknown,)

Plaintiff,)

v.)

Case No. 07-C-7252
Hon. Joan B. Gottschall

TMG OF ILLINOIS, LLC, d/b/a TED'S)
MONTANA GRILL, TED'S MONTANA)
GRILL, INC., and GEORGE W.)
MCKERROW, JR.,)

Defendants.)

**DEFENDANTS' MOTION TO STAY PROCEEDINGS
AND COMPEL ARBITRATION**

NOW COME the defendants, and pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 3, 4, respectfully move this Court to stay proceedings in the above action and compel the arbitration of plaintiff's claims. As grounds for this Motion, defendants show as follows:

1. The plaintiff, Michelle Pantel, formerly worked for defendant Ted's Montana Grill, Inc. ("TMG") [Declaration of Laura Grunwald, attached hereto as Exhibit "1" at ¶ 4];

2. When Ms. Pantel accepted an offer of employment from TMG, she executed an Arbitration Agreement Acknowledgment Form and attached Arbitration Policy, both of which constituted an agreement to arbitrate any claims she might have against the company. (A copy of the agreement is attached to Ms. Grunwald's Declaration as Exhibit "A");

3. The agreement contains a provision that, in exchange for valid consideration, the parties agree to arbitrate any and all claims thereafter arising between them, including those claims arising under the Fair Labor Standards Act and those arising "under federal and state

statutes and commons laws to the fullest extent allowed by law." (Exhibit "A" at p. 3). The agreement further specifies that plaintiff agrees to waive any statutory right to a trial by jury;

4. Ms. Pantel filed the present action asserting claims under the FLSA and Illinois law without first seeking the arbitration of these claims;

5. Accordingly, defendants subsequently asked Ms. Pantel to submit her claims to arbitration. (*See* Exhibit "2" hereto). Nevertheless, she refused to do so. (*See* Exhibit "3" hereto).

WHEREFORE, defendants respectfully request that this Court issue an Order staying proceedings and compelling plaintiff to arbitrate her claims. This Motion is supported by the attached Declaration of Laura Grunwald and the exhibits thereto as well as a Memorandum of Law submitted herewith.

Dated: April 23, 2008.

Respectfully submitted,

**TMG OF ILLINOIS, LLC, d/b/a TED's
MONTANA GRILL, TED'S MONTANA
GRILL, INC., and GEORGE W.
MCKERROW, JR.**

By: s/ John R. Hunt
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, John R. Hunt, an attorney, hereby certify that a copy of the foregoing *Defendants' Motion to Stay Proceedings and Compel Arbitration* was served upon the following parties electronically (via ECF) on April 23, 2008:

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s/ John R. Hunt
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